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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/665,019      | 09/19/2000  | Olivier Hericourt    | FR9-1999-0087 US1   | 4901             |

7590 04/02/2004

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EXAMINER

MIRZA, ADNAN M

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 04/02/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                    |    |
|------------------------------|-----------------|--------------------|----|
| <b>Office Action Summary</b> | Application No. | Applicant(s)       | SC |
|                              | 09/665,019      | HERICOURT, OLIVIER |    |
| Examiner                     | Art Unit        |                    |    |
| Adnan M Mirza                | 2141            |                    |    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 January 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3 and 31-45 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3 and 31-45 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3,31-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asano (U.S. 6,477,577) and Klaus (5,892,903).

As per claims 1,33,40 Asano disclosed a method for setting a value within a type of service field in an Internet Protocol (IP) data gram, wherein said IP data gram being sent from a source application that resides within a source device to a destination application that resides within a destination device (col. 6, lines 39-48), said method comprising:

determining whether or not said IP datagram is a socks connect message; in response to a determination that said IP datagram is a socks connect message (col. 6, lines 58-67), and determining from said located record a TOS value; and subsequently writing said determined TOS value into said TOS field of said IP datagram, wherein said TOS value is based on said ALP transported by said socks connection (col. 9, lines 32-44).

However Asano did not disclose in details determining from said IP datagram an Application Level protocol (ALP) transported by a socks connection, locating from a

type of service (TOS) definition table a record corresponding to said ALP of said IP datagram;

In the same field of endeavor Klaus disclosed a destination address is then obtained from the source/destination address generator and used to request that the Socks server connect to the computer on the network at the destination address (Block 402). The destination port address is set to the first port address value of the possible range of port address values (Block 406). As service command is then generated (Block 410) and a service command message addressed for the computer at the destination address is sent to the Socks server (Block 412). The process then waits for a response (Block 416). The response message is evaluated by response generator to determine if the response message indicates that the computer at the destination address received the service command (Block 412) (col. 15, lines 3-16).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated In the same field of endeavor Klaus disclosed a destination address is then obtained from the source/destination address generator and used to request that the Socks server connect to the computer on the network at the destination address (Block 402). The destination port address is set to the first port address value of the possible range of port address values (Block 406). As service command is then generated (Block 410) and a service command message addressed for the computer at the destination address is sent to the Socks server (Block 412). The process then waits for a response (Block 416). The response message is evaluated by

response generator to determine if the response message indicates that the computer at the destination address received the service command (Block 412) as taught by Hrastar in the method of Asano to resolve the problem such that the informal address or local address of the host to be connected and the formal address of the connection substitute server of the organization to be connected have to be manually examined and the formal address of the connection substitute server has to be reset each time by a partner destination to be connected.

3. As per claims 2,35,41 Asano-Klaus disclosed wherein said IP data gram includes an IP header having a source IP address field and a destination IP address field, wherein said IP address of said destination device address from destination IP address field; reading a source application address of said source device from said source port fields; reading a destination application address of said destination device from said destination port field (Klaus, col. 15, lines 3-29).

4. As per claims 3,36,42 Asano-Klaus disclosed wherein said IP datagram includes a header checksum field, wherein said writing said determined TOS value further includes computing a header checksum value for said IP datagram according to said TOS value; and writing said computed header checksum value into said header checksum field (Asano, col. 9, lines 32-44).

5. As per claims 31,37,43 Asano-Klaus disclosed wherein said method further includes storing in a socks connection table a new entry containing said TOS value (Asano, col. 9, lines 49-57).

6. As per claims 32,38,44 Asano-Klaus disclosed wherein said determining whether or not said IP datagram is a socks connect message is performed by a socks traffic analyzer component within associated with said source device (Asano, col. 6, lines 58-67).

7. As per claims 33,39,45 Asano-Klaus disclosed wherein said writing said determined TOS value is performed by a socks TOS finder component within associated with said source device (Klaus, col. 13, lines 32-45).

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

9. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.

10. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

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(703)-746-7239 (For Official Communications Intended for entry, please mark

"EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

11. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II, 2021 Crystal Drive, Arlington, VA 22202.

*AM*

Adnan Mirza

Examiner

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER